Software Rights Archive, LLC v. Google Inc. et al Doc. 210

EXHIBIT 1

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08:59:01

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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MELANIE TUCKER, On Behalf of Herself and All Others Similarly Situated,	)	
Plaintiff,	)	Case No. C 06 4457 HRL
vs.	)	
APPLE COMPUTER, INC., a California Corporation,	)	
Defendant.	)	

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FRIDAY, OCTOBER 26, 2007

VIDEOTAPE DEPOSITION OF MELANIE TUCKER

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REPORTED BY: BALINDA DUNLAP, CSR 10710, RPR, CRR, RMR

09:18:33 Q. BY MR. MITTELSTAEDT: You made the decision to buy
09:18:35 the iPod at the price that it was offered?
09:18:38 A. Yes.
09:18:38 Q. And you thought it was worth it?
09:18:42 MR. CARPENTER: Objection.
09:18:43 Q. BY MR. MITTELSTAEDT: At the time you bought it?
09:18:44 MR. CARPENTER: Pardon me. Objection to form.
09:18:47 THE WITNESS: I was hoping it would be worth it.
09:18:51 Q. BY MR. MITTELSTAEDT: At the time you bought the
09:19:02 first iPod, had you heard anything about Apple's online music
09:19:07 store?
09:19:08 A. Not that I recall.
09:19:10 Q. Had either of those friends, Travis or Sean, said
09:19:14 anything about the Apple's iTunes music store?
09:19:22 A. I don't recall them mentioning the iPod's store.
09:19:26 Q. At the time you bought your first iPod, did you have
09:19:30 any information as to what music those two friends put on
09:19:34 their iPod?
09:19:35 A. No.
09:19:40 Q. Other than that first iPod that you bought in April
09:19:42 of 2005, how many other iPods have you bought?
09:19:46 A. One.
09:19:47 Q. When did you buy that?
09:19:49 A. December of 2006.
09:20:00 Q. And why did you buy that one?

09:20:01 A. Because my first one broke.
09:20:04 Q. And how did you choose an iPod rather than, say, an
09:20:09 iRiver at that point?
09:20:11 A. Because all of my music was already on my iTunes and
09:20:15 that would have the only way to keep my music.
09:20:19 Q. Did you do anything to research how you could put
09:20:21 that music onto another digital player other than an iPod?
09:20:25 A. I did not.
09:20:26 Q. Have you ever researched that?
09:20:33 A. No.
09:20:34 Q. Did anyone tell you that it was impossible to put
09:20:39 your music that you had on the iPod onto a competing digital
09:20:45 music player like an iRiver?
09:20:47 MR. CARPENTER: Objection to form.
09:20:49 THE WITNESS: Can you repeat the question?
09:20:51 Q. BY MR. MITTELSTAEDT: Did anyone ever tell you that
09:20:53 you could not put music that you had on your iPod onto a
09:20:57 competing digital music player?
09:20:59 A. I was aware of that.
09:21:00 Q. But did anyone ever tell you that?
09:21:04 A. No.
09:21:07 Q. How did you become aware of that, as you say?
09:21:12 A. I was reading about it.
09:21:18 Q. Where?
09:21:18 A. Online.